

Agricultural Law Memo

ALM 10-02

February 5, 2010

TOPIC: Normal Farming Practices – Refrigeration Trailers

ISSUE: Whether the use of refrigeration units on a farm to store and cool produce harvested on the farm while awaiting transportation to market is deemed to be a “normal farming practice.”

This shall serve to address the issue of whether the use of refrigeration units on a farm to store and cool produce harvested on the farm that is awaiting transportation to market is a “normal farming practice.” Often, a farmer is unable to deliver his produce directly to market immediately after harvesting. As a result, the produce must be cooled and stored until delivery to market can be made. This is often done through the use of, or “running”, refrigerated trailers. These refrigeration units are large trailers, normally hauled over the road by tractor trailer trucks, with refrigeration units attached to them as an integral part of the trailer, and are typically parked on the farm to be used as refrigeration units.

[M.G.L. c. 128, §1A](#) defines “farming” or “agriculture” as follows:

“Farming” or “agriculture” shall include farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.

Refrigeration and storage of produce after harvesting is considered a practice that is incident to and in conjunction with farming operations. Therefore, the Department of Agricultural Resources deems the use of refrigeration trailers for on-farm storage as a “normal agricultural practice” as set forth in [M.G.L. c. 128, §1A](#).